

TOWN OF EAST LONGMEADOW
ANNUAL TOWN MEETING
May 19, 2014

In accordance with the Warrant of the Selectmen, the Annual Town Meeting was held in the Auditorium of the East Longmeadow High School on Monday evening, May 19, 2014, thus the eighth Town Meeting held on the third Monday of May following the by-law change from the Annual Town Meeting of 2006. Town Moderator, Mr. James Sheils, called the meeting to order at 7:11PM; there being 188 registered voters present. Mr. Sheils offered the opening prayer and led the assembly in the Pledge of Allegiance. He then congratulated the various elected town officials who were recently elected at the April 8th Annual Town Election as well as acknowledging Mr. Robert Peirent and welcoming him as the new Superintendent for the Board of Public Works.

Ms. Angela Thorpe, the Chairperson of the Board of Selectman, requested the Assembly to recognize those Town employees who had retired and celebrated anniversaries in FY 2014.

Mr. Carl Ohlin, Chairman of the East Longmeadow Independence Day Parade Committee, presented a plaque to Mr. Ned Obernesser in honor of Mr. Obernesser being named Honorary Grand Marshall of the 2014 East Longmeadow Independence Day Parade. Mr. Ohlin read a list of the past 17 winners of this prestigious Town Award. A long-time town resident since 1973, Mr. Obernesser was honored for his many past and present contributions to the Town of East Longmeadow, especially his diligent work, dedication for his involvement with youth soccer and his ten years as president of the East Longmeadow Soccer Association. Ned was also recognized for serving his country in the United States Army and being awarded the Purple Heart and Bronze Star amongst his achievements. He is also an active member of the East Longmeadow American Legion Post 293. Ned proudly accepted his plaque as Grand Marshall of the 2014 East Longmeadow Independence Day Parade.

The Town Moderator then proceeded with some housekeeping issues: Location of fire exits, red tags for non-voters and white tags for registered voters, warrant articles that can be moved within the warrant if approved by a 2/3rd's majority vote, silencing of cell phones, the securing of the doors by the Sergeant at arms in case of a teller count and the proper etiquette required of speakers. Mr. Sheils gave recognition to those who help set-up and make the Town meeting operate very smoothly each year.

The Town Moderator is now allowed to determine, without a count, based on the by-law change adopted in May 2006, whether a 2/3rd's quorum Town vote has been obtained, subject to the right of challenge by seven (7) voters as authorized the Town By-Law, Section 2.030 Chapter 13. If seven (7) or more voters challenge the vote, a teller count shall be required.

Article 1

Reports of Officers and Committees

The Moderator reported that reports of Town Officers and Committees are available for distribution at the Town Meeting and also online at the Town's website: www.eastlongmeadowma.gov, and that copies are available at the Town Clerk's Office.

Article 2

Report of the Appropriations Committee – Operating Budget

Motioned that the Town appropriate the grand total Fiscal Year 2015 budget of \$55,816,892.00 and in order to fund that appropriation the Town raise and appropriate the Amount of \$54,123,016.00; transfer \$100,000.00 from the Kindergarten Revolving Fund, account number 2606-3590; transfer \$105,000.00 from the Solid Waste Disposal Revolving Fund, account number 2805-3590; transfer \$50,000.00 from the Animal Control Fund, account number 2801-3590; transfer \$63,000.00 from the Insurance Revolving Fund, account number 2803-3590; transfer \$668,723.00 from the Water Fund, account number 12-3590; transfer \$636,023.00 from the Sewer Fund, account number 13-3590; transfer \$71,130.00 from the Community Preservation Fund Open Space account number 2615-3590; and any other available balances as required to balance the budget.

All for the purpose and charges in anticipation of revenue for the twelve month period beginning July 1, 2014 to support the Town's operating budgets as set forth in Exhibit A printed with the warrant and entitled "Fiscal Year 2015 – Operating Budgets"

Appropriations Committee Recommendation: Recommended

Three line items were questioned, (Snow & Ice, Information Technology, Pioneer Valley Planning (PVPC) Assessment) and thereafter approved.

Passed Unanimously as Declared by Town Moderator.

Article 3

Report of the Capital Planning Committee – F.Y. 2015 Capital Projects

Motioned that the Town raise and appropriate \$500,000.00 and transfer \$339,129.00 from the General Fund unreserved fund balance, account number 01-3590 to fund the general fund capital projects numbered 1 through 7, as shown in Exhibit C; and

To transfer \$261,250.00 from the Water Fund unreserved fund balance, account number 12-3590 to fund the water fund capital projects numbers 1 and 2, as shown in Exhibit C; and

To transfer \$50,000.00 from the Sewer Fund unreserved fund balance, account number 13-3590 to fund the sewer fund capital project number 1, as shown in Exhibit C.

Article 3 continued**EXHIBIT C:**

\$217,900.00 to finance replacement of Dry Vlt Exterior System at Birchland Park Middle School	\$217,900.00 Raise amount from taxation
\$38,700.00 to finance full replacement of the Chiller System at Birchland Park Middle School	\$38,700.00 Raise amount from taxation
\$375,529.00 to finance Technology Maintenance	\$36,400.00 Raise amount from taxation And, \$339,129.00 From Free Cash Account #01-3590
\$30,000.00 to finance New Air Handler	\$30,000.00 Raise amount from taxation
\$25,000.00 to finance Conventional Fire Alarm	\$25,000.00 Raise amount from taxation
\$77,000.00 to finance 2 Police Cruisers, Ford Interceptor SUV's	\$77,000.00 Raise amount from taxation
\$75,000.00 to finance Sidewalks	\$75,000.00 Raise amount from taxation
\$195,000.00 to finance Millbrook Drive – Replace Water Main	\$195,000.00 from Transfer from Water Fund Reserves
\$66,250.00 to finance Huntington Road – Replace Water Main	\$66,250.00 from Transfer from Water Fund Reserves
\$50,000.00 to finance Inflow & Infiltration	\$50,000.00 from Transfer from Sewer Fund Reserves
Above total of Recommended Projects.....\$1,150,379.00	

Capital Planning Committee Recommendation: Recommended

Appropriations Committee Recommendation: Recommended

Four items (Water Fund Transfer, Sewer Fund Transfer, Air Handler & Police Cruisers) were questioned and thereafter approved.

Passed by Majority as Declared by Town Moderator.

Article 4**Board of Selectmen – Transfers to Stabilization Fund**

Motioned that the Town raise and appropriate \$50,000.00 to the Stabilization Fund, account number 8216

Appropriations Committee Recommendation: Recommended

A 2/3rds Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 5**Board of Selectmen – Transfers to Pension Fund**

Motioned that the Town raise and appropriate \$50,000.00 to the Pension Fund, account number 8202.

Appropriations Committee Recommendation: Recommended

A Majority Vote is required for this Article to pass.

Passed by Majority, as Declared by Town Moderator.

Article 6**Board of Selectmen – Inter-department Transfers**

Motioned that the Town approve interdepartmental transfers from the FY14 General Fund Operating Budget as follows:

\$100,000.00 from the General Fund Reserve Fund number 132 to the Health Insurance Fund number 914;

\$81,576.00 from the General Fund Reserve Fund number 132 to the Snow and Ice Fund number 423;

\$77,877.00 from the Trash Collection Fund number 430 to the Snow and Ice Fund number 423;

\$48,772.00 from the Retirement of Debt Fund number 710 to the Snow and Ice Fund number 423;

\$40,772.00 from the Board of Selectmen Fund number 122 to the Snow and Ice Fund number 423;

\$32,948 from the Long Term Interest Fund number 711 to the Snow and Ice Fund number 423;

\$20,000.00 from the DPW Utilities Fund number 429 to the Snow and Ice Fund number 423;

\$15,000.00 from the Health Department Fund number 519 to the Snow and Ice Fund number 423;

\$15,000.00 from the Accounting Department Fund number 135 to the Snow and Ice Fund number 423;

\$11,537.00 from the Police Department Fund number 210 to the Snow and Ice Fund number 423;

\$10,000.00 from the Operations Department Fund number 159 to the Snow and Ice Fund number 423;

\$10,000.00 from the Insurance Department Fund number 945 to the Snow and Ice Fund number 423;

\$6,541.00 from the Veterans Department Fund number 543 to the Snow and Ice Fund number 423;

\$5,000.00 from the Elections Fund number 160 to the Snow and Ice Fund number 423;

Said transfers to total \$375,033.00

Appropriations Committee Recommendation: Recommended

A Majority Vote is required for this Article to pass.

Passed by Majority, as Declared by Town Moderator.

Article 7

Board of Selectmen – Appropriate Funds for Prior Years Bills

No Motion Made

No Action

Article 8

Department of Public Works – Chapter 90 Highway Construction

Motioned that the Town appropriate \$669,015.00 for the construction, reconstruction and/or maintenance of public ways, to be expended under the jurisdiction of the Board of Public Works and said sum to be reimbursed by the Commonwealth.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 9

Board of Selectmen – Water Services Enterprise Fund

Motioned that the Town accept the provisions of Massachusetts General Laws Chapter 44, Section 53 E ½ authorizing the creation of Enterprise Funds, and to establish pursuant to said Chapter 44, Section 53 E ½ a Water Services Enterprise Fund to commence on July 1, 2015, to be operated under the jurisdiction of the Board of Public Works.

A motion was made after Article 16 to amend Section 53E ½ to show the correct Section: 53F ½ ; that motion was unanimously passed.

Appropriations Committee Recommendation: Recommended
Board of Public Works Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 10

Board of Selectmen – Sewer Services Enterprise Fund

Motioned that the Town establish pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½ a Sewer Enterprise Fund to commence on July 1, 2015, to be operated under the jurisdiction of the Board of Public Works.

A motion was made after Article 16 to amend Section 53E ½ to show the correct Section: 53F ½ ; that motion was unanimously passed.

Appropriations Committee Recommendation: Recommended
Board of Public Works Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 11

Board of Selectmen – Revolving Fund – Local Cable Access

Motioned that the Town re-establish a “Local Cable Access Revolving Fund” for Fiscal Year 2015, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the local cable access program activities, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$132,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 12

Board of Selectmen – Revolving Fund – Center School Park

Motioned that the Town re-establish a “Center School Park Revolving Fund” for Fiscal Year 2015, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the Center School Hill Park development activities, as administered by the East Longmeadow Cultural Affairs Council, without further appropriation, said funds to be expended in an amount not to exceed \$5,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed by Majority as Declared by Town Moderator.

Article 13

Board of Selectmen – Revolving Fund – Solid Waste Disposal

Motioned that the Town re-establish a “Solid Waste Disposal Revolving Fund” for Fiscal Year 2015, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the solid waste disposal program, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$50,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 14

Board of Selectmen – Revolving Fund – Council on Aging

Motioned that the Town re-establish a “Council on Aging Revolving Fund” for Fiscal Year 2015, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund general programming activities of the Council on Aging, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$120,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed by Majority as Declared by Town Moderator.

Article 15

Board of Selectmen – Revolving Fund – Public Library

Motioned that the Town re-establish a “East Longmeadow Public Library Revolving Fund” for Fiscal Year 2015, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources paid by borrowers for library overdue fines, as administered by the East Longmeadow Board of Library Trustees, without further appropriation, said funds to be expended in an amount not to exceed \$15,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 16

Board of Selectmen – Revolving Fund – Recreation Department

Motioned that the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53D authorizing the establishment of a revolving fund for recreational purposes, and authorize the Board of Selectmen to establish a “Recreation Department Revolving Fund” pursuant to said Chapter 44, Section 53D, and to transfer the balance of the current Recreation Revolving Fund, account numbers 2807 and 2808 into the new Revolving Fund effective July 1, 2014, and upon said transfer said prior Revolving Funds account numbers 2807 and 2808 be dissolved.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

*A motion was made to amend Article 9 & Article 10 to change Section 53E ½ to Section 53F ½
Passed Unanimously as Declared by Town Moderator.*

Article 17

Board of Selectmen – Fund July 4, 2015 Independence Day Parade

Motioned that the Town transfer from Free Cash, account number 01-3590 the amount of \$17,500.00 to be expended for the July 4th, 2015 Independence Day Parade.

Appropriations Committee Recommendation: Not Recommended
Passed by Majority as Declared by Town Moderator.

Article 18

Community Preservation Committee – Allocation of Funds

Motioned that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund for Fiscal Year 2015 from revenues estimated of \$230,000.00 allocated as follows:

5% allocated to the Administrative Expenses

10% allocated to the Historic Resource Reserve

10% allocated to Community Housing Reserve

10% allocated to the Open Space Reserve

And

65% allocated to the Undesignated General Reserve

Appropriations Committee Recommendation: Recommended

Board of Selectmen Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

Article 19

Board of Public Works – Town Hall Infrastructure Improvements

No Motion Made

No Action

Article 20

Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana

Motion that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by replacing section VI with the language in the following manner:

By removing Section VI in its entirety and replacing with the following:

VI. MEDICAL MARIJUANA TREATMENT CENTERS/REGISTERED MARIJUANA DISPENSARIES

6.0 PURPOSE

- (1) To provide for the establishment of Medical Marijuana Treatment Centers known as Registered Marijuana Dispensaries (hereinafter RMDs) in appropriate places and under strict conditions in accordance with The Acts of 2012 Chapter 369 entitled “An Act for the humanitarian Use of Marijuana”.
- (2) To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with said RMDs.
- (3) To Regulate the siting, design, placement, safety, monitoring, modification and removal of RMDs.

6.01 APPLICABILITY

- (1) The cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A § 3) production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a RMD under this Section.
- (2) No RMD shall be established except in compliance with the provisions of this Section.
- (3) Nothing in this By-law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

6.02 ELIGIBLE LOCATIONS FOR RMDs

- (1) RMDs other than agricultural operations meeting exemption standards under Chapter 40A, § 3, may be allowed by Special Permit of the Planning Board in the Industrial Garden District provided the facility otherwise meets the requirements of this Section. Operations under Chapter 40A §3 must meet all of the general requirements for a site plan review.

Article 20 continued**6.03 GENERAL REQUIREMENTS AND CONDITIONS FOR ALL RMSs**

- (1) All RMDs shall be contained within a building or structure of which there will be no windows.
- (2) No RMD shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
- (3) A RMD may not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of marijuana.
- (4) The hours of operation of RMDs shall be set by the Special Permit Grant Authority, but in no event shall said RMDs be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.
- (5) No RMD shall be located within 300 feet of any existing residence or residential zoning district.
- (6) No RMD shall be located within 1,000 feet of any of the following pre-existing structures or uses:
 - a) Any school attended by children under the age of 18;
 - b) Any licensed child care facility;
 - c) Any drug or alcohol rehabilitation facility;
 - d) Any half-way house or similar facility; or
 - e) Any other RMD
- (7) No RMD shall be located within 500 feet of the following pre-existing structure or uses:
 - a) Any church;
 - b) Any school;
 - c) Any park, not to include the rail trail/bicycle path;
 - d) Any playground;
 - e) Any athletic playing field; or,
 - f) Any youth center.
- (8) No Smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a RMD.
- (9) Signage for the RMD shall include the following language:
"Registration card issued by the Massachusetts Department of Public Health Required" The required text shall be a minimum of two inches in height.
- (10) RMDs shall provide the East Longmeadow Police Department and Building Commissioner with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- (11) RMDs shall provide the East Longmeadow Police Department and the East Longmeadow Fire Department with a detailed security report as to how the security for the site will be provided.

6.04 ADDITIONAL REQUIREMENTS AND CONDITIONS FOR ALL RMSs

See additional requirements under §7.38 **Additional Requirements for RMDs**

A 2/3rd's Vote is required for this Article to pass.

Passed by 2/3rd's Vote, as Declared by Town Moderator.

Article 21

Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana

Motion that the Town amend the East Longmeadow Zoning By-law 1991 Revision pursuant to Massachusetts General Laws, Chapter 40A by replacing section VI with the language in the following manner:

To replace section 7.38 All Districts, Non-Conforming Structures or uses with the following and re-number the remaining sections accordingly.

§7.38 Additional Requirements for REGISTERED MARIJUANA DISPENSARIES (RMD).

- A. Any person or entity seeking to open a new or to maintain an existing RMD facility must:
 - (1) Complete an application for Special Permit and submit it to the Planning Board which is the Special Permit Granting Authority.
 - (2) The Special Permit for a RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:
 - a. Cultivation of marijuana for medical use (horticulture) (Special Permit not required for sites meeting agricultural exemption standards pursuant to Chapter 40A, §3);
 - b. Processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments and other products;
 - c. Retail sale or distribution of marijuana for medical use to qualifying patients; or,
 - d. Wholesale sales of marijuana for medical use to other RMDs in Massachusetts
 - (3) In addition to the application requirements set forth in this by-law, a Special Permit for a RMD shall include the following:
 - a. The name and address of each owner of the facility;
 - b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
 - c. Evidence of the applicant's right to use the site or structure such as a deed or lease;
 - d. If the applicant is a business organization, a statement under oath disclosing all of its owners shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - e. Proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc. to ensure the safety of persons and to protect the premises from theft; and,

Article 21 continued

- f. A full site plan showing all the requirements listed in section §7.4.
 - (4) Mandatory Findings: The Special Permit Granting Authority shall not issue a Special Permit for a RMD unless it finds that:
 - a. The facility is designed to minimize any adverse visual or economic impact on abutters and other parties in interest (as defined in Chapter 40A, §11);
 - b. The facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations;
 - c. The applicant has satisfied all of the conditions and requirements of Section 6.03 of this By-law; and,
 - d. The applicant has satisfied all of the Special Permit requirements as outlined in §7.2.
 - (5) Annual Reporting: Each RMD permitted under this by-law shall, as a condition of its Special Permit, file an annual report to and appear before the Special Permit Granting Authority no later than January 1st of each year providing a copy of all current applicable state licenses for the facility and/or its owners.
 - (6) A Special Permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises as a RMD.
 - (7) Any violation of this section shall be grounds for revocation of a Special Permit issued under this section.
- B. Waiver
- a. The Special Permit Granting Authority, when granting a Special Permit under this section may waive setback requirements, provided the applicant submits its request in writing and can demonstrate the proposed site will not have an adverse effect upon the surrounding neighborhood. The Special Permit Granting Authority reserves the authority to require the applicant to produce necessary documentation to support its position. Further a waiver of setback requirements shall require both the affirmative vote of three-fourths of all the members of the Special Permit Granting Authority and shall require a separate vote apart from the main vote on the proposed site.
- C. Abandonment or Discontinuance of Use
- a. A Special Permit Granted under this section shall lapse if not exercised within one year of issuance.
 - b. A RMD shall be required to remove all materials, plants, equipment and other paraphernalia;
 - i. Prior to surrendering its state issued licenses or permits; and,
 - ii. Within six months of ceasing operations.

A 2/3rd's Vote is required for this Article to pass.

Passed by 2/3rd's Majority, as Declared by Town Moderator.

Article 22

Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana

Motioned that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by amending Section VIII Definitions, in the following manner:

VIII DEFINITIONS

DRUG PARAPHERNALIA: all equipment, products, devices and materials of any kind which are primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this by-law. For purposes of this definition, the phrase “primarily intended for use” shall mean the likely use which may be ascribed to an item by a reasonable person. For purposes of this definition, the phrase “designed for use” shall mean the use a reasonable person would ascribe to an item based on the design and features of said item. See M.G.L. Chapter 94C. §1 for more specific detail.

EDIBLE MARIJUANA-INFUSED PRODUCTS (edible MIPs): means a Marijuana-Infused Product (MIP) that is to be consumed by eating or drinking.

MARIJUANA: all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

MARIJUANA-INFUSED PRODUCT (MIP): a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a RMD, shall not be considered a food or a drug as defined in M.G.L. C. 94, §1.

MEDICAL MARIJUANA TREATMENT CENTER: a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana or products containing marijuana, marijuana products, related supplies or educational materials to registered qualifying patients or their personal

Article 22 continued

caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivating and preparation of marijuana.

A 2/3rds Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 23**Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana**

Motioned that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by amending Section 7.39 by replacing the existing language in its' entirety and replacing with the language in the following manner:

§7.39 Additional Criteria for Retail Sales in Industrial Garden District

- a. Retail sales as a primary use are prohibited in the Industrial Garden District.
- b. Inside incidental sales shall be allowed provided that they are related to the merchandise manufactured and that they are ancillary and secondary to the primary use and meet the following specifications:
 - (1) The allowed items are to be sold at a counter only. No one from the public is allowed in the main part of the building.
 - (2) No more than ten percent (10%) of the floor area of a business establishment shall be utilized for retail sales activities. In no event shall the area of the retails exceed 1,000 square feet.
 - (3) In the event a building is occupied by two or more business establishments, not more than ten percent (10%) of the floor area of the individual business establishment shall be devoted to retail sales. In no event shall the area of the retails exceed 1,000 feet.
 - (4) An interior floor plan to scale must be submitted with the Special Permit application with the area to be devoted to sales clearly defined.
 - (5) A list of retail items to be sold shall be provided to and approved by the Planning Board along with the Special Permit application.

A 2/3rds Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 24**Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana**

Motioned that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by amending Table 3-1, by adding section 3.079.2 of the East Longmeadow Schedule of Use Regulations in the following manner:

		Table 3-1 (Continued)												
Bylaw Number	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR
	(Commercial Uses Continued)													
3.066	Studio for professional photographer and artist		N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.067	Travel agency		N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.068	Commercial School		N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.069	Sales Office	Provided no goods for sale are stored on the premises and no retail sales are conducted from the location.	N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.07	BUSINESS USES													
3.070	Retail Store		N	N	N	N	N	N	Y	Y	N	N	N	N
3.071	Convenience Store		N	N	N	N	N	N	Y	Y	N	N	N	N
3.072	Wholesale business		N	N	N	N	N	N	Y	Y	N	N	N	N
3.073	Planned Business Development	Includes Shopping Centers. See Section 5.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.074	Supermarket		N	N	N	N	N	N	Y	Y	N	N	N	N
3.075	Personal Service Shop		N	N	N	N	N	N	Y	Y	N	N	N	N
3.075.1	Massage Therapist Facility or Licensed Massage Therapy Salon	See Sections 7.2, 7.3 and 7.37	N	N	N	N	N	SP	SP	SP	N	N	N	N
3.076	Gasoline Filling Station	Body and fender work prohibited. See Section 5.7	N	N	N	N	N	N	Y	Y	N	N	N	N
3.0761	Gasoline Filling Station with Convenience Store	Body and fender work prohibited. See Section 5.7 and Section 7.2.	N	N	N	N	N	N	SP	SP	N	N	N	N
3.0762	Car Wash Facility	See Section 5.7 and Section 7.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.0763	Automobile repair shop, storage battery service, greasing station	Body and fender work prohibited. See Section 5.7	N	N	N	N	N	N	Y	Y	N	N	N	N
3.0764	Used Car Lot	See Section 5.7 and 7.2.	N	N	N	N	N	N	SP	N	N	N	N	N
3.077	Restaurant	See Section 7.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.078	Funeral establishment		N	N	N	N	N	N	Y	Y	N	N	N	N
3.079	Veterinary hospital	All animals must be kept inside permanent buildings	N	N	N	N	N	Y	Y	Y	N	N	N	N
3.079.1	Gaming Establishments		N	N	N	N	N	N	N	N	N	N	N	N
3.079.2	Medical Marijuana Treatment Centers Registered Marijuana Dispensaries	See Sections 7.2, 7.3, 7.38, 6.0, 6.01, 6.02, 6.03 and 6.04	N	N	N	N	N	N	N	N	SP	N	N	N

Article 24 continued

A 2/3rd's Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 25**Planning Board - Amend Zoning By-Law, 1991 Revision, Table 3-2**

Motioned that the Town to amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by amending Table 3-2, by adding a new use to the East Longmeadow Dimensional and Density Regulations in the following manner:

Medical Marijuana Treatment Centers Registered Marijuana Treatment Centers

3.2 DIMENSIONAL AND DENSITY REGULATIONS										
All permitted uses allowed by Special Permit shall be in conformity with the dimensional & density regulations set forth in Table 3-2, Table of Dimensional Regulations										
TABLE 3-2 TABLE OF DIMENSIONAL REGULATIONS (Continued)										
DISTRICT	Use	Min Lot	Min.	Min.	Min.	Min.	Min.	Max.*	Max.Lot	Comment
		Area	Frontage	Setback	Side	Rear	Setback	Height	Coverage	
			(Sq. ft.) or as noted	(feet)	(feet)	Yard (feet)	Accessory (feet)	(feet)	(%)	
IGP	Any permitted use	75,000	250	75	40	50	75	50	**	When abutting any residential district, the rear and/or side yard shall be 50 feet. A 25 foot landscaped buffer is required if a property abuts any residential district.
Industrial Garden Park	Medical Marijuana Treatment Centers Registered Marijuana Treatment Centers	75,000	250	75	40	50	75	50	**	See additional requirements in Section 7.2, 7.3, 7.38, 6.0 6.01, 6.02, 6.03 and 6.04

*Height shall not apply to chimneys, smokestacks, water towers, flagpoles, aerators, antennas or other equipment appurtenances necessitated by the permitted use to which the building is put.

**Maximum lot coverage in the IGP district: On any lot, building area shall not exceed 40% of the lot area on lots having less than 225,000 square feet of area and 45% of the lot area on lots having 225,000 square feet or more.

A 2/3rd's Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 26**Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana**

Motioned that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by further amending Table 3-1, by adding a new use to the East Longmeadow Schedule of Use Regulations and as previously amended by Article 24 as follows:

		Table 3-1 (Continued)												
Bylaw Number	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR
	(Commercial Uses Continued)													
3.066	Studio for professional photographer and artist		N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.067	Travel agency		N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.068	Commercial School		N	N	N	N	N	Y	Y	Y	Y	N	N	N

Article 26 continued

3.069	Sales Office	Provided no goods for sale are stored on the premises and no retail sales are conducted from the location.	N	N	N	N	N	Y	Y	Y	Y	N	N	N
3.07	BUSINESS USES													
3.070	Retail Store		N	N	N	N	N	N	Y	Y	SP	N	N	N
3.071	Convenience Store		N	N	N	N	N	N	Y	Y	N	N	N	N
3.072	Wholesale business		N	N	N	N	N	N	Y	Y	N	N	N	N
3.073	Planned Business Development	Includes Shopping Centers. See Section 5.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.074	Supermarket		N	N	N	N	N	N	Y	Y	N	N	N	N
3.075	Personal Service Shop		N	N	N	N	N	N	Y	Y	N	N	N	N
3.075.1	Massage Therapist Facility or Licensed Massage Therapy Salon	See Sections 7.2, 7.3 and 7.37	N	N	N	N	N	SP	SP	SP	N	N	N	N
3.076	Gasoline Filling Station	Body and fender work prohibited. See Section 5.7	N	N	N	N	N	N	Y	Y	N	N	N	N
3.0761	Gasoline Filling Station with Convenience Store	Body and fender work prohibited. See Section 5.7 and Section 7.2.	N	N	N	N	N	N	SP	SP	N	N	N	N
3.0762	Car Wash Facility	See Section 5.7 and Section 7.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.0763	Automobile repair shop, storage battery service, greasing station	Body and fender work prohibited. See Section 5.7	N	N	N	N	N	N	Y	Y	N	N	N	N
3.0764	Used Car Lot	See Section 5.7 and 7.2.	N	N	N	N	N	N	SP	N	N	N	N	N
3.077	Restaurant	See Section 7.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.078	Funeral establishment		N	N	N	N	N	N	Y	Y	N	N	N	N
3.079	Veterinary hospital	All animals must be kept inside permanent buildings	N	N	N	N	N	Y	Y	Y	N	N	N	N
3.079.1	Gaming Establishments		N	N	N	N	N	N	N	N	N	N	N	N
3.079.2	Medical Marijuana Treatment Centers Registered Marijuana Dispensaries	See Sections 7.2, 7.3, 7.38, 6.0, 6.01, 6.02, 6.03 and 6.04	N	N	N	N	N	N	N	N	SP	N	N	N

A 2/3rds Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 27**Planning Board - Amend Zoning By-Law, 1991 Revision, Parking Spaces**

Motioned that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by changing Section 5.611 a. by inserting the language in the following manner:

Article 27 continued

In all districts, any and all parking spaces located on any lot shall be restricted to the use of the business allowed on the site by its employees, customers and other persons normally visiting the premises at any one time. There shall be no commuter parking nor shall any business enter into any type of agreement for commuter and/or satellite parking for businesses or activities not located on the site.

A 2/3rd's Vote is required for this Article to pass.

Passed by 2/3rd's Majority, as Declared by Town Moderator.

Article 28**Planning Board - Amend Zoning By-Law, 1991 Revision, Private Home Office or Studio**

Motioned that the Town amend the East Longmeadow Zoning By-law 1991 Revision, pursuant to Massachusetts General Laws, Chapter 40A by amending Section 3.090 by deleting the existing language in its' entirety and replacing with the language, with any reference in such article to read 3.090 in place of 3.90, in the following manner:

3.090 Private Home Office or Studio

The use of a portion of a home by a bona fide resident of the premises as an office or studio for the private conduct of a profession, home occupation, or trade shall be considered accessory to the use of the residence provided that:

- a. A Waiver of Site Plan Approval for a private home office or studio must be granted by the Planning Board prior to any business being conducted at the residence.
- b. The home occupation is to be conducted in an office or studio in the primary dwelling and is carried on only by members of the resident family living on the premises.
- c. The home occupation is clearly incidental to and secondary to the use of the dwelling as a residence.
- d. The area devoted to the conduct of the home occupation does not exceed twenty percent (20%) of the habitable floor area of the dwelling unit.
- e. No external change is made which alters the residential appearance of the dwelling or the residential character of the lot.
- f. There is no exterior display, signage or visible storage or other outward evidence that the premises are being used for any purpose other than for a residential use.
- g. The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, noise, vibration, smoke, dust, odor, heat, glare, unsightliness, electrical interference, or other activity which when produced, is detectable to normal sensory perception beyond the property line in amounts exceeding those normal to a residential property. The use shall not constitute a safety hazard to abutters.
- h. No articles are sold or offered for sale on the premises.

A 2/3rd's Vote is required for this Article to pass.

Passed by 2/3rd's Majority, as Declared by Town Moderator.

Article 29

Citizen Petition – Modification to Town Noise Ordinance

Motioned that the Town add an amendment to the By-laws Section 8.090 Disturbing and Unnecessary Noise to include Animal Noise. This amendment would prohibit the keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person. This would in particular include roosters from free-range poultry and urban “backyard farming” operations located in Residential areas.

A Point of Order was raised that the motion was beyond the scope of the Article which was limited to “roosters”.

A motion was made to amend the Motion to replace Animal Noise with Roosters; replace Any animal or bird with rooster and delete the last sentence.

Amendment Motion Fails, as Declared by Town Moderator.

Petition by: E. Rick Murray, Sr., and others

The Main Motion was then declared as beyond the scope printed in the Town Meeting Warrant, as Declared by Town Moderator. No action was taken.

Article 30

Citizen Petition – Street Taking – Fenway Lane

No Motion Made
No Action

Article 31

Citizen Petition – Street Taking – Canterbury Circle

Motioned that the Town authorize the Board of Selectmen, by virtue of Massachusetts General Laws, Chapter 79, to take in fee simple for highway purposes the following street as recommended by the Board of Public Works and the Planning Board as follows:

Great Woods Phase XI – Canterbury Circle

A strip of land sixty feet (60') in width beginning at the concrete bound on the Easterly side of Canterbury Circle at the intersection with Pembroke Terrace and running Northwesterly for a distance of approximately Fifteen Hundred and Forty Seven (1547') feet more or less to its terminus at the previously approved Canterbury Circle (Phase VII – See plan recorded in Hampden County Book of Plans 334, page 61) as shown on a plan recorded as aforesaid in Book of Plans 346, Pages 36-37).

Petition of Dan Roulier, and others

A 2/3rd's Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator

Article 32

Citizen Petition – Street Taking – Black Dog Lane

Motioned that the Town authorize the Board of Selectmen, by virtue of Massachusetts General Laws, Chapter 79, to take in fee simple for highway purposes the following street as recommended by the Board of Public Works and the Planning Board as follows:

Black Dog Lane – as more particularly described as a certain parcel of land, known as Black Dog Lane, located on the easterly side of Kibbe Road. Said parcel is bounded and described as follows:

Beginning at a concrete bound, said concrete bound being S 05°-23'-12" W from a concrete bound located at the northwest corner of land of now or formerly Black Dog, LLC, a distance of seven and 07/100 (7.07) feet thence;

Southeasterly -by a curve to the left having a radius of twenty-five and 00/100 (25.00) feet an arc distance of thirty-eight and 21/100 (38.21) feet to a concrete bound found thence;

S 82°-09'-57" E -a distance of two hundred fifty-three and 60/100 (253.60) feet to a concrete bound found thence;

Southeasterly -by a curve to the right having a radius of two hundred thirty and 00/100 (230.00) feet an arc distance of one hundred twenty and 43/100 (120.43) feet to a concrete bound found, thence;

Southeasterly -by a curve to the left having a radius of one hundred seventy and 00/100 (170.00) feet an arc distance of one hundred eighteen and 68/100 (118.68) feet to a concrete bound found, thence;

N 87°-50'-03" E -a distance of twenty and 00/100 (20.00) feet to a concrete bound found, thence;

Northeasterly -by a curve to the left having a radius of thirty and 00/100 (30.00) feet an arc distance of twenty-five and 23/100 (25.23) feet to a concrete bound found, thence;

Southeasterly -and southwesterly by a curve to the right having a radius of sixty and 00/100 (60.00) feet an arc distance of two hundred eighty-nine and 42/100 (289.42) feet to a concrete bound found, thence;

Southwesterly -by a curve to the left having a radius of thirty and 00/100 (30.00) feet an arc distance of twenty-five and 23/100 (25.23) feet to a concrete bound found, thence;

S 87°-50'-03" W -a distance of twenty and 00/100 (20.00) feet to a concrete bound found, thence;

Article 32 continued

Northwesterly -by a curve to the right having a radius of two hundred thirty and 00/100 (230.00) feet an arc distance of one hundred sixty and 57/100 (160.57) feet to a concrete bound found, thence;

Northwesterly -by a curve to the left having a radius of one hundred seventy and 00/100 (170.00) feet an arc distance of eighty-nine and 01/100 (89.01) feet to a concrete bound found, thence;

N 82°-09'-57" W -a distance of two hundred forty-eight and 91/100 (248.91) feet to a concrete bound found, thence;

Southwesterly -by a curve to the left having a radius of twenty-five and 00/100 (25.00) feet an arc distance of forty and 33/100 (40.33) feet to a concrete bound found on the easterly line of Kibbe Road, thence;

N 05°-23'-45" E -along the easterly line of Kibbe Road a distance of one hundred ten and 10/100 (110.10) feet to the point of beginning.

Said parcel of land is more particularly shown on a plan and on file in the Hampden County Registry of Deeds – Book 361, Page 77. Said parcel of land contains forty-four thousand six hundred forty-seven (44,647) square feet.

Petition of Jeffrey Campbell, and others

A 2/3rd's Vote is required for this Article to pass.

Passed Unanimously, as Declared by Town Moderator.

Article 33**Citizen Petition – Street Taking – Dearborn Extension**

No Motion Made

No Action

Motion to Adjourn

The Annual Town Meeting was adjourned at 9:46 p.m., the business of the Warrant having been completed.

•• Certificate of Quorum ••

This is to certify that more than 150 Registered Voters were present at the Annual Town Meeting held on May 19, 2014. Voter attendance was recorded as follows:

Precinct 1	33
Precinct 2	41
Precinct 3	53
Precinct 4	<u>61</u>
Total	188

True Record: Attest:

Thomas P. Florence
Town Clerk